

**BOISE, AUGUST 11, 2015 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**IN THE MATTER OF THE VERIFIED  
PETITION FOR WRIT OF MANDAMUS.**

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**COEUR D'ALENE TRIBE,**

**Petitioner,**

**v.**

**LAWRENCE DENNEY, Secretary of State  
of the State of Idaho, in his official capacity,**

**Respondent.**

**Docket No. 43169**

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Petition for Writ of Mandamus.

Ferguson Durham, PLLC, Boise, for petitioner.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondent.

Greener Burke, Shoemaker Oberrecht, P.A., Boise, for amicus curiae  
Intermountain Racing and Entertainment, LLC.

Honorable Butch Otter, Governor of Idaho, Boise, for Governor.

Barker Rosholt & Simpson, LLP, Boise, for amicus curiae Treasure Valley  
Racing, LLC.

David H. Leroy, Boise, for amicus curiae Coeur d'Alene Racing, Ltd.

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This case comes to the Idaho Supreme Court on a Writ of Mandamus. The Coeur D'Alene Tribe (Tribe) petitioned the Court for a Writ of Mandamus compelling the Secretary of State to certify S.B. 1011 as law.

The Senate and the House of Representatives passed S.B. 1011 with supermajorities and presented the bill to the Governor on March 30, 2015. On April 6, 2015, the Governor returned S.B. 1011 and a veto message to Senate President Pro Tempore Brent Hill's office. That same day, during the Legislative session, the Senate took a vote to override the veto. A majority, but less than two-thirds of the Senate voted to override it. Consequently, the President of the Senate declared that S.B. 1011 failed to become law. The Tribe subsequently requested the Secretary of State to certify S.B. 1011 as law on the basis that the Governor's veto was untimely and that the bill became law. When the Secretary of State refused, the Tribe brought the instant action.

The Tribe asserts that the Governor did not return his veto within the five-day deadline under the Idaho Constitution. The Tribe argues that because the veto was untimely, S.B. 1011 automatically became law, the Senate's subsequent vote on the veto was null, and the Secretary of State had a non-discretionary duty to certify the bill as law. Thus, the Tribe requests that this Court issue a writ compelling the Secretary of State to certify S.B. 1011 as law.